

06/01/2006 15:52 FAX 2138925454

MORRISON & FOERSTER # 7

JUN 01 2006 001

MORRISON | FOERSTER

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MORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO,
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WALNUT CREEK, CENTURY CITY
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SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

To:

NAME:	FACSIMILE:	TELEPHONE:
U.S. Patent and Trademark Office ATTN: Office of Petitions (Patents)	(571) 273-8300	(571) 272-3282

FROM: Beverly S. Carter DATE: June 1, 2006

Number of pages with cover page:	33	RE: U.S. Patent Application No. 09/758,632 Our Ref.: 39303-20222.00
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Preparer of this slip has confirmed that facsimile number given is 9098/BSC4 correct:**CAUTION - CONFIDENTIAL**

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

Comments:

RE: Request to Withdraw Abandonment, Request to Withdraw Issue and filing of RCE

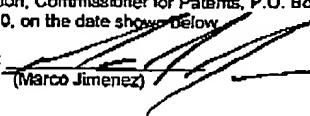
Please see the attached. The original documents have been sent by express mail to
MS Petitions.IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
BEVERLY S. CARTER AT 213 892 5267 AS SOON AS POSSIBLE.

LA-791626

RECEIVED 002
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JUN 01 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, AirMail No. EV701015062US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 1, 2006 Signature: 
(Marco Jimenez)

Sent By Facsimile (571-273-8300)
and Express Mail
Docket No.: 393032022200

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshiki NISHITANI et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR
DETECTING PERFORMER'S MOTION
TO INTERACTIVELY CONTROL
PERFORMANCE OF MUSIC OR THE
LIKE

Examiner: M. Fletcher

Group Art Unit: 2837

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. §§ 1.181 and 1.8(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTION

On April 6, 2006, the Patent Office mailed a Notice of Abandonment stating the present application was abandoned. The Notice stated the Applicants had failed to pay the issue fee and publication fee within three months of the mailing date of the Notice of Allowance. The Notice of Allowance was mailed on October 19, 2005.

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Application No.: 10/758,632

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Docket No.: 393032022200

Applicants respectfully submit that they responded to the Notice of Allowance in a timely manner by facsimile on October 28, 2005 and that both of these fees were timely paid. Therefore, Applicants hereby petition the Commissioner to withdraw the holding of abandonment.

BACKGROUND

The present application was filed on January 10, 2001. The application was duly prosecuted and a first Notice of Allowance was mailed on December 11, 2003. Part B (Fee Transmittal) of the Notice of Allowance indicated an issue fee in the amount of \$1,330 and a publication fee of \$300. Applicants timely submitted the first Fee Transmittal by first class mail on February 20, 2004 and therein authorized the Patent Office to charge the required fees to Deposit Account No. 03-1952. A copy of the transmitted first Fee Transmittal is attached as Exhibit A to the accompanying statement of Ms. Beverly Carter. A copy of the stamped postcard receipt that properly identifies the first Fee Transmittal is attached as Exhibit B.

On October 7, 2004, Applicants filed a petition to withdraw the present application from issuance along with an RCE and a supplemental IDS. The petition was granted on October 13, 2004.

On October 28, 2004, a second Notice of Allowance was mailed after the Examiner considered the newly submitted IDS. Part B (Fee Transmittal) of the second Notice of Allowance indicated an issue fee of \$40 and a publication fee of \$0. The \$40 fee reflected an increase in the issue fee from the previous Fee Transmittal. Because the publication fee had not increased, the second Fee Transmittal correctly indicated that no publication fee was due. Applicants submitted another supplemental IDS on January 12, 2005 and, thereafter, timely submitted the second Fee Transmittal by first class mail on January 27, 2005 authorizing the Patent Office to charge \$70 (reflecting the correct increase) to Deposit Account No. 03-1952. A copy of the transmitted second Fee Transmittal is attached as Exhibit C. A copy of the stamped postcard receipt that properly identifies the second Fee Transmittal is attached as Exhibit D.

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On October 19, 2005, a third Notice of Allowance was mailed after the Examiner considered the second supplemental IDS submitted in January 2005. Part B (Fee Transmittal) of the third Notice of Allowance indicated an issue fee of \$0 and a publication fee of \$0. The transmittal thus correctly reflected that the Applicants had fully and timely paid the issue fee and publication fee through the submissions of the first and second Fee Transmittals. Applicants timely submitted the third Fee Transmittal by facsimile on October 28, 2005. Even though no fees were due, Applicants authorized the Patent Office to charge any required fees to Deposit Account No. 03-1952. A copy of the transmitted third Fee Transmittal along with facsimile cover sheet is attached as Exhibit E. A copy of the return receipt confirmation of facsimile transmission to the Patent Office is attached as Exhibit F.

On April 6, 2006, the Patent Office mailed a Notice of Abandonment for failure to pay the issue fee and the publication within three months of the mailing date of the third Notice of Allowance.

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

As explained above and shown in the accompanying exhibits E and F, Applicants timely submitted the third Fee Transmittal. The third Fee Transmittal set a deadline of January 19, 2006, and Applicants submitted the transmittal on October 28, 2005 via facsimile as indicated by the signed certificate of transmission. Even though no fees were due, Applicants authorized in the third Fee Transmittal the payment of any fees relating to the third Notice of Allowance.

The holding of abandonment by the Patent Office is apparently a result of the Patent Office not having evidence of receiving the third Fee Transmittal. To that end, Applicants respectfully request that the transmission of the third Fee Transmittal on October 28, 2005 be considered pursuant to 37 C.F.R. § 1.8(b).

The requirement of § 1.8(b)(1) is met, because Applicants are submitting this petition in a timely manner after receipt of the Notice of Abandonment. When Applicants submitted the third Fee Transmittal, they received the return receipt confirmation (Exhibit F). There was no reason to

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Application No.: 10/758,632

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believe that the application would be abandoned eight months later. Only after the Patent Office indicated that the application had become abandoned did the Applicants realize that the Patent Office may not have evidence of receiving the third Fee Transmittal.

The requirement of § 1.8(b)(2) is satisfied in that the accompanying statement of Ms. Carter attaches, as Exhibit E, a copy of the submitted third Fee Transmittal with the signed certificate of transmission. A copy of the returned receipt confirmation from the Patent Office is also attached as Exhibit F.

The requirement of § 1.8(b)(3) is met by the accompanying statement of Ms. Carter. Ms. Carter signed the certificate of transmission on October 28, 2005. She provided the third Fee Transmittal with the signed certificate and a facsimile cover page to the facsimile department of her employment (the law firm of Morrison & Foerster). The department transmitted the third Fee Transmittal and the cover page on October 28, 2005. A copy of the facsimile department's transmission report is attached as Exhibit G. It shows that on October 28, 2005, at 3:19 PST, a two page fax was successfully transmitted to facsimile no. (571) 273-2885 for the matter or docket number 20222, which is the matter number of the present application. The Patent Office then immediately sent a return receipt confirmation on 6:21 EST as set forth in Exhibit F.

In view of the above showing, Applicants respectfully submit that the third Fee Transmittal was submitted in a timely fashion on October 28, 2005. Thus, the application is not in fact abandoned, and Applicants respectfully request that the Patent Office withdraw the holding of abandonment.

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Application No.: 10/758,632

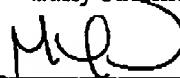
5

Docket No.: 393032022200

It is not believed that any fees are due with this Petition. In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032022200.

Dated: June 1, 2006

Respectfully submitted,

By 
Mehran Arjomand

Registration No.: 48,231
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5630

la-858272

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV701015062US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 1, 2006 Signature:

(Marco Jimenez)

**Sent By Facsimile (571-273-8300)
and Express Mail
Docket No.: 393032022200**

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Patent Application of:
Yoshiki NISHITANI et al.**

Serial No.: 09/758,632

Filing Date: January 10, 2001

**For: APPARATUS AND METHOD FOR
DETECTING PERFORMER'S MOTION
TO INTERACTIVELY CONTROL
PERFORMANCE OF MUSIC OR THE
LIKE**

Examiner: M. Fletcher

Group Art Unit: 2837

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR 1.313 (c)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants filed a petition to withdraw the present application from issuance on April 13, 2006. In a decision dated May 4, 2006, the petition was dismissed because the application was held to be abandoned for failure to take appropriate action in response to Notice of Allowance mailed on October 19, 2005. A notice of abandonment was mailed on April 6, 2006.

Applicants respectfully submit that they responded in a timely manner to the Notice of Allowance and that, in fact, the application is not abandoned. To that end, Applicants are filing

LA-861423

Transaction List

Search by

Accounting Date:

Operator ID:

(MMDDYY)

Accounting Date

Starts:

Ends:



Find...

Name/Number:

09758632

Attny Docket No:

Deposit Account No:

Accounting Date	Operator ID	Seq. No	Txn Src	Fee Code	St	Amount	Name/Number	Dep Acc
04/19/2006	WASF AW1	28	SALE	1801	A	790.00	09758632	031952
04/19/2006	WASF AW1	27	SALE	1464	A	130.00	09758632	031952
02/02/2005	LWONDIM2	283	SALE	8001	A	30.00	09758632	031952
02/02/2005	LWONDIM2	282	SALE	1501	A	1,400.00	09758632	031952
02/02/2005	LWONDIM2	281	ADJ	1501	A	-1,330.00	09758632	031952
01/18/2005	TLUU11	26	SALE	1806	A	180.00	09758632	031952
10/14/2004	AKELLEY	16	SALE	1801	A	790.00	09758632	031952
10/14/2004	AKELLEY	15	SALE	1460	A	130.00	09758632	031952
02/26/2004	MBERHE1	390	SALE	8001	A	30.00	09758632	031952
02/26/2004	MBERHE1	389	SALE	1504	A	300.00	09758632	031952
02/26/2004	MBERHE1	388	SALE	1501	R	1,330.00	09758632	031952



Adjustment Detail

Authorization Detail



BEST AVAILABLE COPY

Application No.: 10/758,632

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Docket No.: 393032022200

herewith a petition to withdraw the holding of abandonment pursuant to 37 C.F.R. §§ 1.181 and 1.8(b).

In the event that the petition is granted and the holding of abandonment is withdrawn, Applicants hereby renew their petition to the Commissioner to withdraw the present application from issue. Three office actions citing references were mailed in connection with related Japanese applications. Accordingly, Applicants request withdrawal from issue to file an Information Disclosure Statement (IDS) pursuant to 37 C.F.R. § 1.97 and § 1.98 with a Request for Continued Examination (RCE). The IDS and RCE are enclosed with this petition.

Please charge our Deposit Account No. 03-1952 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) or (i). Fee transmittal form PTO/SB/17 is enclosed is duplicate.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032022200.

Dated: June 1, 2006

Respectfully submitted,

By M.A.
Mehran ArjomandRegistration No.: 48,231
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5630

la-861423

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV701015062US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 1, 2006 Signature:

(Marco Jimenez)

**Sent By Facsimile (571-273-8300)
and Express Mail
Docket No.: 393032022200**

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Patent Application of:
Yoshiki NISHITANI et al.**

Serial No.: 09/758,632

Filing Date: January 10, 2001

**For: APPARATUS AND METHOD FOR
DETECTING PERFORMER'S MOTION
TO INTERACTIVELY CONTROL
PERFORMANCE OF MUSIC OR THE
LIKE**

Examiner: M. Fletcher

Group Art Unit: 2837

**STATEMENT ATTESTING TO TIMELY TRANSMISSION OF FACSIMILE
PURSUANT TO 37 CFR § 1.8 (b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. I, Beverly Carter, am a Senior Paralegal at Morrison & Foerster LLP.
2. I am responsible for handling the payment of the issue fee and publication fee of the present application.
3. On December 11, 2003, a first Notice of Allowance was mailed. Part B (Fee Transmittal) of the first Notice of Allowance indicated an issue fee of \$1330 and a publication fee of

LA-858302

Application No.: 10/758,632

2

Docket No.: 393032022200

\$300. The first Fee Transmittal was signed by an attorney of record and authorized payment of any fees. I then submitted the first Fee Transmittal by first class mail to the Patent Office on February 20, 2004 along with a signed certificate of mailing. A copy of the first Fee Transmittal and the signed certificate of mailing is attached as Exhibit A. A copy of a stamped postcard receipt that properly identifies the first Fee Transmittal is attached as Exhibit B.

4. On October 28, 2004, a second Notice of Allowance was mailed. Part B (Fee Transmittal) of the second Notice of Allowance indicated an issue fee of \$40 and a publication fee of \$0. The second Fee Transmittal was signed by an attorney of record and authorized payment of any fees, including \$70 reflecting the correct increase in the issue fee from the previous payment. I then directed my assistant Enrique Moreno to submit the second Fee Transmittal by first class mail to the Patent Office. A copy of the second Fee Transmittal and a signed certificate of mailing by Mr. Moreno on January 27, 2005 is attached as Exhibit C. A copy of a stamped postcard receipt that properly identifies the second Fee Transmittal is attached as Exhibit D.

5. On October 19, 2005, a third Notice of Allowance was mailed. Part B (Fee Transmittal) of the third Notice of Allowance indicated an issue fee of \$0 and a publication fee of \$0. The third Fee Transmittal was signed by an attorney of record on October 28, 2005 and authorized payment of any fees, even though no fees were due. I then signed the certificate of transmission. A copy of the third Fee Transmittal with a signed certificate of mailing and a facsimile cover sheet are attached as Exhibit E.

6. On October 28, 2005, I delivered the signed third Fee Transmittal and the cover sheet to the facsimile department of Morrison & Foerster. After transmission of the third Fee Transmittal and the cover sheet, the papers were returned to me along with confirmation of transmittal. A copy of the return receipt confirmation is attached as Exhibit F. A copy of the facsimile department's Activity Report confirming both pages of this transmission were successfully transmitted to telephone number (571) 273-2885 on October 28, 2005 is attached as Exhibit G.

la-858302

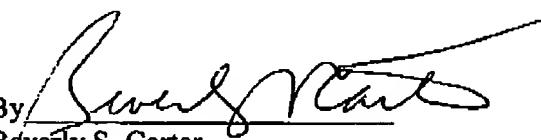
Application No.: 10/758,632

3

Docket No.: 393032022200

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: June 1, 2006

By 
Beverly S. Carter
Senior Paralegal
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5267

la-858302

2006-06-01 15:55:00 EUREALDO@MORRISON-FOERSTER.COM (2006-06-01 15:55:00)

EXHIBIT A

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(703) 746-4000**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

25224 7590 12/11/2003

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Beverly S. Carter	(Depositor's name)
<i>Beverly Carter</i>	(Signature)
February 20, 2004	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,632	01/10/2001	Yoshiki Nishitani	39303.20222.00	9558

TITLE OF INVENTION: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	03/11/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
FLETCHER, MARLON T	2837	084-615000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 MORRISON & FOERSTER, LLP

2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

YAMAHA CORPORATION

Hamamatsu-shi, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent): individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee
 Publication Fee
 Advance Order - # of Copies 10

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 03-195 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) David L. Fehlman (Date)

David L. Fehlman, Reg. No. 28,600 02/20/2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

EXHIBIT B

Attorney Docket: 39303-20222.00 Date: February 20, 2004
Inventor(s): Yoshiki NISHITANI, et al. USSN: 09/758,632
Title: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO
INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE
Due Date: March 11, 2004

Enclosed are the following:

1. Part B- Fee(s) Transmittal Form PTOL 85 (in duplicate- with
authorization to charge Deposit Account for issue fee (\$1330.00),
publication fee (\$300.00), and soft copies (\$30.00));
2. THIS RETURN RECEIPT POSTCARD.

DLF/bsc-1a

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

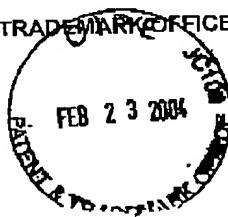


Exhibit C

EXHIBIT D

EXHIBIT D

Attorney Docket: 39303-20222.00 Date: January 27, 2005
Inventor(s): Yoshiki NISHITANI et al. USSN: 09/758,632
Title: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO
INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE
Due Date: January 28, 2005

Enclosed are the following:

1. Part B- Fee(s) Transmittal Form PTOL 85 (in duplicate- with authorization to charge Deposit Account for issue fee, \$70.00), and soft copies (\$30.00);
2. THIS RETURN RECEIPT POSTCARD.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

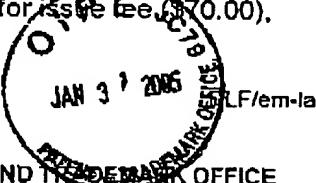


EXHIBIT E

Complete and send this form, together with

applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address, and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

25224 7590 10/19/2005

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail-Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Beverly S. Carter	(Depositor's name)
<i>Beverly S. Carter</i>	(Signature)
October 28, 2005	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,632	01/10/2001	Yoshiji Nishitani	39303-20222.00	9558

TITLE OF INVENTION: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$0	\$0	\$0	01/19/2006
EXAMINER	ART UNIT	CLASS-SUBCLASS			
FLETCHER, MARLON T	2837	084-615000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

MORRISON & FOERSTER LLP

2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Yamaha Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Hamamatsu-shi, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies 10

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 03-1952 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature David T. Fehrman

Date October 28, 2005

Typed or printed name David T. Fehrman

Registration No. 28,600

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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 LOS ANGELES
 CALIFORNIA 90013-1024
 TELEPHONE: 213.892.5200
 FACSIMILE: 213.892.5454
 WWW.MOFO.COM

MORRISON & FOERSTER LLP
 NEW YORK, SAN FRANCISCO,
 LOS ANGELES, PALO ALTO,
 SAN DIEGO, WASHINGTON, D.C.
 DENVER, NORTHERN VIRGINIA,
 ORANGE COUNTY, SACRAMENTO,
 WALNUT CREEK, CENTURY CITY
 TOKYO, LONDON, BEIJING,
 SHANGHAI, HONG KONG,
 SINGAPORE, BRUSSELS

To:

NAME:	FACSIMILE:	TELEPHONE:
MAIL STOP ISSUE FEE Commissioner for Patents	(571) 273-2885	(571) 272-4200

FROM: Beverly S. Carter

DATE: October 28, 2005

Number of pages with cover page:	2	RE: U.S. Patent Application No. 09/758,632 Our Ref.: 39303-20222.00
-------------------------------------	---	--

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Comments:

Dear Sir or Madam:

Attached is the Part B-Fee Transmittal for the issue fee, duly executed by the attorney of record. The total issue fee and publication fees have been paid for this application. Therefore, we only request the 10 advance copies of the patent.

LA-826054

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Auto-Reply Facsimile Transmission



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LOS ANGELES
CALIFORNIA 90011-3129
TELEPHONE 213 623-1300
FACSIMILE 213 623-1624
WWW.MF.COM

MORRISON & FOERSTER LLP
NEW YORK, NEW YORK 10019
120 BROADWAY, 30TH FLOOR
ATTN: RICHARD B. WILSON, ESQ.
BOSTON, BOSTON 02108
100 BOSTON AVENUE, 10TH FLOOR
ATTN: MICHAEL J. KELLY, ESQ.
CHICAGO, ILLINOIS 60611
100 N. MICHIGAN AVENUE, 20TH FLOOR
ATTN: ROBERT J. KELLY, ESQ.
SAN FRANCISCO, CALIFORNIA 94101
1000 BARKER CENTER DR., SUITE 1000
ATTN: ROBERT J. KELLY, ESQ.

Fee

NAME:	FACSIMILE:	TELEPHONE:
MAIL STOP ISSUE FEE Commissioner for Patents	(571) 273-2895	(571) 272-4200

FROM: Beverly S. Carter

DATE: October 28, 2005

Number of pages with cover page:	2	RE: U.S. Patent Application No. 09/758,632 Our Ref: 39303-20222.00
-------------------------------------	---	---

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Comments:

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LA-025054

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EXHIBIT G

39 **** ACTIVITY REPORT ***

154

ST. TIME	CONNECTION TEL/ID	SENDER NAME	NO.	MODE	PGS.	RESULT
10/27 15:52	0017#01181358021812#		0871	TRANSMIT	ECM	1 OK 00'27
10/27 15:54	0017#01181357588772#		0872	TRANSMIT	ECM	1 OK 00'26
10/27 15:54	6100#01181358021812#		0870	TRANSMIT		0 NG 00'00
10/27 15:55	0017#01181357588772#					0 STOP
10/27 18:06	9#00123#13108225969#		0873	TRANSMIT	ECM	1 OK 00'26
10/28 09:05	3430#27#14159825287#		0874	TRANSMIT	ECM	25 OK 05'54
10/28 09:06	3430#27#13105860257#		0875	B'CAST	ECM	3 OK 00'59
10/28 10:33	0#00029#13232101291#		0875	B'CAST	ECM	3 OK 00'57
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10/28 12:54	56873#2#12136200100#		0878	TRANSMIT	ECM	5 OK 01'31
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10/28 12:57	56873#2#13102359982#		0879	B'CAST	ECM	4 OK 01'10
10/28 15:19	2022200#15712732885#		0879	B'CAST	ECM	4 OK 01'04
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10/31 11:08	0#11717#18777299682#		0887	TRANSMIT	G3	7 OK 02'35
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10/31 15:35	0#00017#12067282779#		0890	TRANSMIT	ECM	2 OK 00'37
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10/31 17:45	85261#1#13102010016#		0892	TRANSMIT	ECM	3 OK 00'53
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10/31 18:33	1#00001#13102471111#		0894	B'CAST	ECM	3 OK 00'50
11/01 12:47	HILTON SUPPORT C		0895	TRANSMIT	ECM	5 OK 01'03
	0#00002#13102054613#					
11/01 12:51	5#00001#17605101585#		0896	B'CAST	ECM	10 OK 02'48
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11/01 17:12	0#00017#12133803898#		0901	TRANSMIT		0 NG 00'00
						0 STOP

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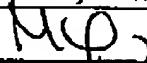
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Request For Continued Examination (RCE) Transmittal		Application Number	09/758,632
Address to: MS Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		Filing Date	January 10, 2001
		First Named Inventor	Yoshiki NISHITANI
		Art Unit	2837
		Examiner Name	M. Fletcher
		Attorney Docket No.	393032022200

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

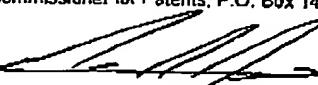
<p>1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).</p> <p>a. <input type="checkbox"/> Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.</p> <p>i. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____</p> <p>ii. <input type="checkbox"/> Other _____</p> <p>b. <input checked="" type="checkbox"/> Enclosed</p> <p>i. <input type="checkbox"/> Amendment/Reply iii. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)</p> <p>ii. <input type="checkbox"/> Affidavit(s)/Declaration(s) iv. <input checked="" type="checkbox"/> Other <u>Petition to Withdraw from Issuance</u></p>			
<p>2. Miscellaneous</p> <p>a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)</p> <p>b. <input type="checkbox"/> Other _____</p>			
<p>3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.</p> <p>a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. <u>03-1952</u></p> <p>i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e)</p> <p>ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)</p> <p>iii. <input checked="" type="checkbox"/> Other <u>Petition Fee (to withdraw from issue)</u></p> <p>b. <input type="checkbox"/> Check in the amount of \$ _____ enclosed</p> <p>c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)</p>			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Mehran Arjomand	Registration No. (Attorney/Agent)	48,231
Signature			Date
			June 1, 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV701015062US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to (571) 273-6300 on the date shown below.

Dated: June 1, 2006

Signature: 

(Marco Jimenez)

PTO/SB/17p (11-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL
(Fees are subject to annual revision)

Send completed form to:
MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/758,632
Filing Date	January 10, 2001
First Named Inventor	Yoshiki NISHITANI
Art Unit	2837
Examiner Name	M. T. Fletcher
Attorney Docket Number	393032022200

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17.

Payment of Fees (small entity amounts are NOT available for the petition fees).

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :
 Petition fee under 37 CFR 1.17(f), (g) or (h) Any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ _____ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1452

For petitions filed under:

§ 1.53(c) – to accord a filing date.
§ 1.57(a) – to accord a filing date.
§ 1.182 – for decision on a question not specifically provided for.
§ 1.183 – to suspend the rules.
§ 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
§ 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

§ 1.12 – for access to an assignment record.
§ 1.14 – for access to an application.
§ 1.47 – for filing by other than all the inventors or a person not the inventor.
§ 1.59 – for expungement of information.
§ 1.103(a) – to suspend action in an application.
§ 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
§ 1.295 – for review of refusal to publish a statutory invention registration.
§ 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
§ 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
§ 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
§ 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
§ 5.12 – for expedited handling of a foreign filing license.
§ 5.15 – for changing the scope of a license.
§ 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

§ 1.19(g) – to request documents in a form other than that provided in this part.
§ 1.84 – for accepting color drawings or photographs.
§ 1.91 – for entry of a model or exhibit.
§ 1.102(d) – to make an application special.
§ 1.138(c) – to expressly abandon an application to avoid publication.
§ 1.313 – to withdraw an application from issue.
§ 1.314 – to defer issuance of a patent.



Signature

June 1, 2006

Date

Mehran Ariomand
Typed or printed name

48,231

Registration No., if applicable

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV701015062US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to (571) 273-8300 on the date shown below.

Dated: June 1, 2006

Signature:



(Marco Jimenez)

PTO/SB/17 (12-04w2)

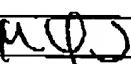
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
Fee TRANSMITTAL For FY 2006		Application Number	09/758,632
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	January 10, 2001
TOTAL AMOUNT OF PAYMENT (\$ 790.00)		First Named Inventor	Yoshiki NISHITANI
		Examiner Name	M. T. Fletcher
		Art Unit	2837
		Attorney Docket No.	393032022200

METHOD OF PAYMENT (check all that apply)					
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP					
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)					
<input checked="" type="checkbox"/> Charge fee(s) indicated below			<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee		
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17			<input checked="" type="checkbox"/> Credit any overpayments		

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fees Paid (\$)
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0
2. EXCESS CLAIM FEES							
Fee Description							
Each claim over 20 (including Reissues) _____ 50 25							
Each independent claim over 3 (including Reissues) _____ 200 100							
Multiple dependent claims _____ 360 180							
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims			
_____	_____	_____	0	Fee (\$)	Fee Paid (\$)	0	
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	_____			
_____	_____	_____	0	_____			
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof		Fee (\$)	Fee Paid (\$)		
_____	_____	(round up to a whole number) x		_____	0		
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1801 Request for continued examination (RCE) (see 37 ... 790.00)							

SUBMITTED BY							
Signature			Registration No. (Attorney/Agent)	48,231	Telephone	(213) 892-5630	
Name (Print/Type)	Mehran Arjomand		Date	June 1, 2006			

Express Mail Label No. EV701015062US
(also sent via facsimile)

la-858308

PTO/SB/17 (12-04v2)

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2006		Complete if Known	
		Application Number	09/758,632
		Filing Date	January 10, 2001
		First Named Inventor	Yoshiki NISHITANI
		Examiner Name	M. T. Fletcher
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	2837
TOTAL AMOUNT OF PAYMENT (\$) 790.00		Attorney Docket No. 393032022200	

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP				
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)				
<input checked="" type="checkbox"/> Charge fee(s) indicated below		<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee		
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17		<input checked="" type="checkbox"/> Credit any overpayments		

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	0
Plant	200	100	300	150	160	80	0
Reissue	300	150	500	250	600	300	0
Provisional	200	100	0	0	0	0	0

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

	Small Entity
Fee (\$)	Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
-	-	x	=	0	
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Fee (\$)	Fee Paid (\$)
-	-	x	=	0	0

3. APPLICATION SIZE FEE

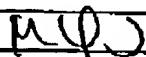
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/50	(round up to a whole number) x	=	0

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1801 Request for continued examination (RCE) (see 37 ... 790.00

SUBMITTED BY					
Signature		Registration No. (Attorney/Agent)	48,231	Telephone	(213) 892-5630
Name (Print/Type)	Mehran Arjomand			Date	June 1, 2006

Express Mail Label No. EV701015062US
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la-858308

Express Mail Label No. EV701015062US
Patent
Docket No. 393032022200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshiki NISHITANI et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR
DETECTING PERFORMER'S MOTION
TO INTERACTIVELY CONTROL
PERFORMANCE OF MUSIC OR THE
LIKE

Examiner: M. T. Fletcher

Group Art Unit: 2837

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the foreign documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO/SB/08a/b were cited in three Japanese office actions (English and Japanese copies enclosed), directed to counterpart foreign applications and have not been previously cited.

Ja-858311

This Information Disclosure Statement is submitted:

With the RCE application; accordingly, no fee or separate requirements are required.

Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petition and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 393032022200.

Dated: June 1, 2006

Respectfully submitted,

By MJ
Mehran Arjomand
Registration No.: 48,231
MORRISON & FOERSTER LLP
555 West Fifth Street
Los Angeles, California 90013-1024
(213) 892-5630

la-858311

ALTERNATIVE TO PTO/SB/08a/b (07-05)

Substitute for form 1449/PTO				Complete if Known	
				Application Number	09/758,632
				Filing Date	January 10, 2001
				First Named Inventor	Yoshiki NISHITANI
				Art Unit	2837
				Examiner Name	M. T. Fletcher
Sheet	1	of	1	Attorney Docket Number	393032022200

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.*	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code* (if known)	MM-DD-YYYY		
1.	US-4,980,519	12-25-1990	Mathews		
2.	US-5,408,300	04-11-1995	Tokimoto et al.		

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.*	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code* Number-Kind Code* (if known)	MM-DD-YYYY		
3.	JP-03-81999		08-21-1991	Casio Keisanki Kabushiki Kaisha	partial translation. <input checked="" type="checkbox"/>
4.	JP-4-184490		07-01-1992	Yamaha Corporation	<input checked="" type="checkbox"/>
5.	JP-6-67616		03-11-1994	Avix, Inc.	corres. to No. 2 above
6.	JP-6-161449		06-07-1994	Leland Stanford Jr. University	corres. to No. 1 above
7.	JP-7-302081		11-14-1995	Yamaha Corporation	with English abstract
8.	JP-8-16118		01-19-1996	Sekisui Chemical Co Ltd	with English translation
9.	JP-9-127937		05-16-1997	Yamaha Corporation	<input checked="" type="checkbox"/>
10.	JP-10-261035		09-29-1998	Hitachi Ltd.	<input checked="" type="checkbox"/>

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *Applicant's unique citation designation number (optional). ¹ See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ² Enter Office that issued the document, by the two-letter code (WIPO Standard ST.2). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁵ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No.*	Include name of the author (In CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*Applicant's unique citation designation number (optional). ¹Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
la-858312	